

# SENATE BILL 82

I4

11r0060

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By: **Chair, Finance Committee (By Request – Departmental – Comptroller)**

Introduced and read first time: January 20, 2011

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and**  
3 **Penalties**

4 FOR the purpose of prohibiting certain persons from purchasing, selling, reselling,  
5 distributing, dispensing, or giving away to any person in the State certain  
6 unpackaged cigarettes; establishing certain penalties for a violation of certain  
7 provisions of this Act; defining a certain term; and generally relating to the  
8 regulation of unpackaged cigarettes.

9 BY repealing and reenacting, with amendments,  
10 Article – Commercial Law  
11 Section 11–5A–01 and 11–5A–02 to be under the amended subtitle “Subtitle 5A.  
12 Sales of Unpackaged Cigarettes”  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Commercial Law  
17 Section 11–5A–03  
18 Annotated Code of Maryland  
19 (2005 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Commercial Law**

23 Subtitle 5A. [Cigarette] Sales of [Less Than 20 Per Package] **UNPACKAGED**  
24 **CIGARETTES.**

25 11–5A–01.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Retailer” has the meaning stated in § 11–501(i) of this title.

3 (c) “Sell” has the meaning stated in § 11–501(j) of this title.

4 **(D) “UNPACKAGED CIGARETTE” MEANS ANY CIGARETTE NOT**  
5 **CONTAINED IN A SEALED PACKAGE OF 20 OR MORE CIGARETTES.**

6 **[(d)] (E)** “Vending machine operator” has the meaning stated in § 11–501(k)  
7 of this title.

8 **[(e)] (F)** “Wholesaler” has the meaning stated in § 11–501(m) of this title.

9 11–5A–02.

10 (a) Notwithstanding any other provision of law, a retailer or vending  
11 machine operator may not purchase from a tobacco product manufacturer or sell,  
12 resell, distribute, dispense, or give away to any person [a package of cigarettes  
13 containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

14 (b) Notwithstanding any other provision of law, a wholesaler may not sell,  
15 resell, distribute, dispense, or give away to any person in this State [a package of  
16 cigarettes containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

17 **(C) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, A**  
18 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**  
19 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT**  
20 **NOT EXCEEDING 3 MONTHS OR BOTH.**

21 11–5A–03.

22 (a) The State Comptroller shall enforce this subtitle.

23 (b) The State Comptroller shall:

24 (1) Employ and determine the duties and compensation of the  
25 inspectors and other personnel necessary to enforce this subtitle; and

26 (2) Adopt reasonable regulations necessary to effectuate and enforce  
27 the provisions of this subtitle.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2011.